

September 1, 2021

The Trustees of the Village of Malcolm met on Wednesday, September 1, 2021, at 7:00 p.m. in open session at the Village Hall located at 137 East 2nd Street, Malcolm, NE for such business as shall come before said Trustees. Notice of the meeting was in the August 19, 2021 "Clipper" and posted at the Village Hall and on the Malcolm Website on Monday, August 30, 2021.

ROLL CALL

Little, Schweitzer, Tarr, Faubion, Lemkau

Absent: none

OPEN MEETINGS LAW is posted and located on the wall as you enter the Village Hall.

VISITORS PRESENT: Jared Ritze, Adam Benischek, Judi Jirovsky, Kathy Christensen, David & Karen Dickensens, Paula Chamberlain.

APPROVAL OF MINUTES: Little made a motion to accept the minutes of the August 4, 2021, meeting, seconded by Faubion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NAY: None; Motion carried 5– 0.

TREASURER REPORT – Little made a motion to accept the treasurer's report for the month of August 2021 with disbursements of \$25,548.34 and deposits of \$77,711.34. Motion seconded by Lemkau. The Chairperson called for a vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NAY: None; Motion carried 5-0; Members absent: None.

Jared Ritze and Adam Benischek members of the Malcolm Planning Commission were present to discuss Recommendation 379 regarding Ordinance 2021-05 for the change of zone from 20 acres to a 12-acre requirement for a single-family resident. The Planning Commission recommends 10-acre instead of 12-acre that is proposed.

David and Karen Dickensens were also present to discuss Ordinance 2021-05 and where the actual one-mile jurisdiction line is located on their property. Ordinance 2021-05 will be discussed later in the meeting; more research will be needed to identify where the one-mile jurisdiction line is located.

Paula Chamberlain and Jenny C. with Aging Partners were present to discuss holding a Senior Citizen Day in Malcolm once a month to provide several different activities and services to the elderly within and surrounding the Village. Board approved using the Village Hall unless another location can be found.

MAINTENANCE REPORT: A report was submitted and received by the Board.

BACKGROUND: MWI Direct – AC drive at sewer plant: Board reviewed the bid submitted by MWI Direct for \$1,988.07 to provide and install a new AC drive for the blower at the sewer plant. After further review and discussion, Little made a motion to approve the bid from MWI Direct for \$1,988.07, using APRA money to pay for the project. Schweitzer seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NAY: None; Motion carried 5– 0.

Little opened the **Public Hearing at 8:00 p.m.** for the proposed Ordinance 2021-05, an Ordinance to amend the Zoning Regulations to change the minimum parcel size for single-family residences in the Agricultural District. Board reviewed Recommendation 379 from the Malcolm Planning Commission; took into consideration the comments Jared Ritze, Adam Benischek and David and Karen Dickensens discussed earlier. With no other visitors or comments, Little closed the Public Hearing at 8:12 p.m.

Little opened the **Public Hearing at 8:16 p.m.** for the Community Development Block Grant Program (CDBG) for a Housing Rehabilitation Program for Owner-Occupied homes within the Village of Malcolm corporate limits for low-to-moderate income persons. With no visitors or comments, Little closed the Public Hearing at 8:23 p.m.

BACKGROUND: SENDD – Owner Occupied Rehabilitation Grant – paperwork: All forms required for the grant were reviewed and signed.

ATTORNEY'S REPORT: A report was submitted and received by the Board.

VILLAGE CLERK REPORT: A report was submitted and received by the Board.

- Legislative Bill 26, which states sales and use taxes shall not be imposed on the gross receipts from the sale, lease, or rental of and the storage, use or other consumption in

this state of residential water service, effective October 1, 2021. Water bills that are mailed out on October 1, 2021, will only be charged sales tax on sewer usage only for residential homes only.

- Kathy Christensen was present to ask if her dog that was named a “potential dangerous dog” could be rescinded. After further discussion, Tarr made a motion to rescind the letter that was sent on July 12, 2021. Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Schweitzer, Tarr, Faubion, Lemkau; NAY: Little; Motion carried 4– 1. This letter will be sent to both parties.

BACKGROUND: Ordinance for fee’s charge in Malcolm, Impact Fee: Will be tabled until the November meeting.

BACKGROUND: Ordinance 2021-05, an Ordinance to amend the zoning regulations to change the minimum parcel size for single-family residences in the Agricultural District; to make findings; to provide for Publication; to repeal any conflicting ordinances; and to provide for an effective date of September 1, 2021.

Little made a motion to waive the three-reading rule for Ordinance 2021-05. Schweitzer seconded the motion. The Chairperson called for a roll call vote recorded as follows: AYE: Faubion, Schweitzer, Tarr, Lemkau, Little: NAY: None; Motion carried 5-0.

Recommendation 379 - Little made a motion to approve Ordinance 2021-05 as written, changing the 20-acre requirement down to 12-acre requirement effective date of September 2, 2021. Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Tarr, Faubion, Lemkau; NAY: Schweitzer; Motion carried 4–1. Members absent: None.

BACKGROUND: Possibility of downtown paving: Miller and Associates will be at the October 6th meeting to discuss the results of the surveyor.

BACKGROUND: Removal of trees in park – Contractor has been hired; the trees will be taken down within the month. This item will be removed from the agenda.

BACKGROUND: Culvert/sidewalks in big park – Contractor has been hired; job will be finished as soon as contractor can get out here. This item will be removed from the agenda.

BACKGROUND: Titan Machinery – warranty expires in 120 days on the Tractor: Board reviewed the three-protection period/plan options for the extended warrant on the Case IH Farmall tractor 75C. After further discussion, Little made a motion to purchase the Premier Plan option coverage for \$3,064.00 for 4 years. Tarr seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NAY: None; Motion carried 5– 0.

BACKGROUND: Driveway/culvert for 550 Malcolm Road: Drawings were submitted for the driveway/approach for 550 Malcolm Road. This item will go to the Planning Commission for further review due to the width of the driveway.

BACKGROUND: Nebraska Rural Water Donation Request: Tarr made a motion to donate \$300.00 to Nebraska Rural Water Association for the services they provide and help the Village with. Schweitzer seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NAY: None; Motion carried 5– 0.

BACKGROUND: Sargent Drilling well and pump tests on well 1 & 4: A copy of the test results were reviewed by the Board. Well 3 did not get tested since it was just installed.

BACKGROUND: Evan Gunn – possibly Planning Commission Member: Little moved to appoint Evan Gunn to the Malcolm Planning Commission effective September 1, 2021. Faubion seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NAY: None; Motion carried 5– 0.

With no further business to discuss, Little moved to adjourn at 10:11 p.m. Lemkau seconded the motion. The Chairperson called for the vote recorded as follows: AYE: Little, Schweitzer, Tarr, Faubion, Lemkau; NYE: None; Motion carried 5-0; Members absent: None